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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,774	07/02/2003	Richard Jedrzejewski	RJJ-P-03-001	5015
29013	7590	06/22/2005	EXAMINER	
PATENTS+TMS, P.C. 2849 W. ARMITAGE AVE. CHICAGO, IL 60647			SLACK, NAKO N	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,774

Applicant(s)

JEDRZEJEWSKI, RICHARD

Examiner

Naoko Slack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's Amendment to the claims received April 15, 2005 has been entered and considered. Applicant's remarks regarding prior art to Cherry are moot in view of newly applied prior art. Claims 1-20 are pending.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) for the following reasons:

1. In Figure 6, the element labeled "46" (at right side of page) should be - - 4b - -.
2. In Figures 3A and 3B, slots (38) are located on the section which extends into the interior of the room and not on the section which further extends parallel to the body of the roof panels, as illustrated in Figure 5.

3. The drawings must show every feature of the invention specified in the claims. The features of claims 5, 6, 12, and 17 have not been illustrated.

In claims 5 and 17, a brace is attached to one of the plurality of walls and to one of the plurality of roof panels. This feature has not been illustrated.

In claim 6, the first distance of the section on the first end of one of the plurality of walls is greater than the first distance of the section on the third end of one of the plurality of walls. This feature has not been illustrated.

In claim 12, a slot is formed within the section of one of the plurality of wall panels. This feature has not been illustrated.

The features of claims 5, 6, and 12 must be shown or the feature(s) canceled

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from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***New Matter***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 6 states that "...the first distance of the section on the first end of one of the plurality of walls is greater than the first distance of the section on the third end of one of the plurality of walls". This feature has not been previously presented in the claims and is neither disclosed in the specification nor the drawings. Claim 6 has not been examined.

***Claim Rejections - 35 USC 102(b)***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 9, 10, 14 and 18 are rejected under 35 USC 102(b) as being clearly anticipated by US Patent 1,780,269 to Miller.

Claim 1:

Miller discloses a building comprising plurality of walls (1, Figure 1) defining a room having an interior wherein each of the plurality of walls has a body defined by a length and a width wherein the length is defined between a first end and a second end and the width is defined between third end and a fourth end wherein a section of each of the plurality of walls at the first end, the second end, the third end, and the fourth end extends a first distance (section 4, Figure 3) into the interior of the room and further extends a second distance (section 3, Figure 3) parallel to the body of each of the plurality of walls; and

a plurality roof panels (2, Figure 1) defining a ceiling for the room wherein each of the plurality of roof panels has a body defined by a length and a width, wherein the length is defined between a first end and a second end and the width is defined between a third end and a fourth end wherein a section of each of the plurality of roof panels at the first end extends into the interior of the room (section 13, Figure 3) and

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further extends parallel (section 3, Figure 3) to the body of each of the plurality of roof panels and further wherein the section of one the plurality of walls is attached (9, Figure 3) to the section of one the plurality of roof panels wherein the plurality of walls and the plurality of roof panels attach to define the room.

Claim 2:

Miller discloses a fastener (9, Figure 3) attaching one of the plurality of walls to one of the plurality of roof panels.

Claim 3:

Figure 1 of Miller discloses that the length of one of the plurality of roof panels is equal to twice the width of one of the plurality of walls.

Claim 7:

Miller discloses a hole formed within the section of the first end of one of the plurality of walls extends into the interior the room (page 1, lines 53-54).

Claim 9:

Miller's plurality of walls are constructed from metal (page 1, lines 42 and 70).

Claim 10:

Miller discloses a building system comprising a plurality of wall panels (1, Figure 1) defining a room wherein each of the plurality of wall panels is defined by a body having a length defined between first end and second end and further wherein a section is integrally formed with each of the plurality of wall panels at the first end and extends a first distance (4, Figure 3) perpendicular to the body of each of the plurality of wall panels and further extends a second distance (3, Figure 3) toward the

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second end of each of the plurality of wall panels ;

a roof panel (2, Figure 1) contacting the plurality of wall panels at the first end of each of the plurality of wall panels to provide a ceiling for the room wherein the roof panel is defined by a body having a length defined between first end and second end wherein a section is integrally formed with the roof panel at first end of the roof panel and extends the first distance (13, Figure 3) perpendicular to the body of the roof panel and further extends the second distance (3, Figure 3) toward the second end of the roof panel; and

a fastener (9, Figure 3) attaching one of the plurality the wall panels to the roof panel wherein the section of the one of the plurality of wall panels extending perpendicular to the body of the one of the plurality of wall panels is attached to the section of the roof panel extending toward the second end of the roof panel.

Claim 14:

Miller discloses a door (18, Figure 1) positioned adjacent one the plurality of wall panels.

Claim 18:

Miller discloses a method for assembling a building, the method comprising the steps of providing a plurality of walls (1, Figure 1) defining a room having an interior wherein each of the walls has a perimeter defining a plane between four edges wherein a first portion (4, Figure 3) of each of the plurality of walls at each of the four edges extends into the interior of the room and abuts a second portion of each of the plurality of walls which extends parallel to the plane of each of the plurality of

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walls (Figure 2);

providing a roof panel (2, Figure 1) defining a ceiling for the room wherein

the roof panel has a length defined between a first end and a second end wherein a first section of the roof panel at the first end extends (13, Figure 3) into the interior of the room and abuts a second section (3, Figure 3) of the roof panel wherein the second section of the roof panel extends toward the second end;

and fastening the first portion of one of the plurality of walls to the second section of the roof panel.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over US Patent 1,780,269 to Miller.

Claims 8, 12 and 13:

While Miller states that the flanges of the wall and roof panels are "apertured to receive the bolts 9" (page 1, lines 53-54), Miller does not specify that the apertures are slots. However, slotted apertures are very well known in the building arts. One of ordinary skill in the art would know the benefits of using slotted apertures in place of

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round apertures in that slotted apertures permit slight variance in aligning apertures of adjacent members and thereby facilitate assembly. Therefore, one of ordinary skill in the art at the time the invention was made would be motivated to use slotted apertures to facilitate assembly and disassembly of Miller's building, which is intended to be "set up and taken down" (page 1, lines 19-21).

Claims 4, 11, and 19 are rejected under 35 USC 103(a) as being unpatentable over US Patent 1,780,269 to Miller as applied to claims 1 and 10 and further in view of US Patent 4,068,421 to Marovich.

Claims 4, 11, and 19:

While Miller does not disclose a post to support the roof panels, Marovich teaches a central pole (22) attached to the roof panel to stiffen the structure (column 4, lines 26-27). In view of Marovich, it would have been obvious to one of ordinary skill in the art at the time the invention was made to support the roof panel at the center of the building to improve the structural integrity of the building, as the center of the roof is the weakest point of the roof.

Claims 5 and 17 are rejected under 35 USC 103(a) as being unpatentable over US Patent 1,780,269 to Miller as applied to claims 1 and 10 and further in view of Japanese Patent 2002-146913 to Kwarazaki.

Claims 5 and 17:

While Miller does not disclose a brace attached to one of the plurality of wall

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panels and the roof panel, braces are well known in the building art for increasing the stiffness and strength of a structure. Kawarazaki discloses removable braces (30) between wall and ceiling panels to firmly support a ceiling panel during construction of the building. In view of Kawarazaki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use braces in Miller's building, between the walls and roof panels for added structural support while the structure is assembled.

Claims 15, 16, and 20 are rejected under 35 USC 103(a) as being unpatentable over US Patent 1,780,269 to Miller as applied to claims 10 and 18 above and further in view of US Patent 3,670,466 to Lynch.

Claims 15, 16 and 20:

While Miller discloses a door (18, Figure 1), Miller does not disclose a door with handle or hinge attached to one of the plurality of wall panels. However, a handle and hinge attached to a door and adjacent supporting wall is well known in the art. Lynch teaches a prefabricated building comprising a door with a handle (H, Figure 4) attached to the door and panel, and a hinge (column 4, line 1) attached to the wall panel. In view of Lynch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to put a door with handle and hinge on Miller's door to facilitate access to the inside of the building.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (571) 272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack  
Primary Examiner  
Art Unit 3635

NS  
June 17, 2005